

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____)
CIMC RAFFLES OFFSHORE (SINGAPORE))
LIMITED AND YANTAI CIMC RAFFLES)
OFFSHORE LIMITED,)

Petitioners,)

v.)

SCHAHIN HOLDING S.A., SCHAHIN)
ENGENHARIA S.A., SEA BISCUIT)
INTERNATIONAL INC., BLACK GOLD)
DRILLING LLC, BAERFIELD DRILLING)
LLC AND SORATU DRILLING LLC,)

Respondents.)
_____)

13 Civ. 0052 (JSR)
ECF Case

**DECLARATION OF DAVID W. RIVKIN IN SUPPORT OF PETITIONERS’
MOTION FOR UNOPPOSED PETITION TO CONFIRM A FOREIGN
ARBITRATION AWARD AND FOR AN ENTRY OF JUDGMENT AGAINST
SORATU DRILLING LLC, BAERFIELD DRILLING LLC AND BLACK GOLD
DRILLING LLC**

I, David W. Rivkin, declare as follows:

1. I am a member of the law firm of Debevoise & Plimpton LLP, counsel to CIMC Raffles Offshore (Singapore) Limited and Yantai CIMC Raffles Offshore Limited (collectively, “CIMC Raffles”). I am fully familiar with the facts and circumstances underlying this action based on personal knowledge and a review of the files in my possession.

2. I submit this declaration in support of CIMC Raffles’ Motion for an Unopposed Petition to Confirm a Foreign Arbitration Award and for an Entry of

Judgment against Soratu Drilling LLC (“SDL”), Baerfield Drilling LLC (“BDL”) and Black Gold Drilling LLC (“Black Gold”).

3. On the behalf of CIMC Raffles, I sent Respondents three demand letters and one demand email requesting immediate and full payment of the Final Award. Copies of the letters and the email are attached hereto as Exhibit 1.

4. On January 23, 2013, SDL, BDL and Black Gold were served with the Summons, Petition and supporting documents, this Court’s Individual Practices and ECF Rules. A copy of the Summons and Proof of Service for each Respondent is attached hereto as Exhibit 2.

5. The Arbitral Tribunal awarded interest at a rate of 9% per annum on the amounts owed by Respondents. As of March 11, 2013, the interest on the amount of US\$46,094,027.32 owed, jointly and severally, by BDL and Black Gold will be US\$784,229.89. As of March 11, 2003, the interest on the amount of US\$23,376,750.09 owed, jointly and severally, by SDL and Black Gold will be US\$397,724.98.

6. The filing fee for this application was US\$350.

7. I am personally familiar with the legal services performed by Debevoise on behalf of CIMC Raffles from January 1, 2013 through the filing of this Declaration. Debevoise is an international law firm that provides a diverse range of sophisticated legal services. Debevoise’s policy requires all attorneys to record on a daily basis the time spent in performing services, a description of those services, and the internal client and matter number assigned to the matter on which services are performed.

8. During the period from December 19, 2012 through March 6, 2013, lawyers and the legal support staff at Debevoise recorded 122.35 hours working on the

Petition against SDL, BDL and Black Gold, for total fees of US\$65,688.75. We spent this time, drafting, editing, filing and serving the Petition and its supporting papers, conferring by telephone and email with Respondents' counsel Paul Hessler regarding service and calls to Chambers, attending the Court conference, drafting, editing, filing and serving the Unopposed Petition motion papers, corresponding with the Court, conferring with our client, and generally overseeing the work on this matter.

9. Additionally, CIMC Raffles incurred the costs of US\$3,893.93 from mailings, copying, LEXIS, Westlaw and document retrieval services

10. In total, CIMC Raffles' total fees and costs attributed to SDL, BDL and Black Gold for this matter is US\$69,582.68.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2013.



David W. Rivkin

Exhibit 1

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
www.debevoise.com

David W. Rivkin
Partner
Tel 212 909 6671
Fax 212 521 7671
dwrivkin@debevoise.com

January 2, 2013

BY ELECTRONIC & FIRST CLASS MAIL

Paul Hessler, Esq.
Linda Regis-Hallinan, Esq.
Linklaters LLP
1345 Avenue of the Americas
19th Floor
New York, NY 10105
Facsimile: 212-903-9100

Demand Letter - Arbitration Award

Dear Paul and Linda:

As you are aware, we are counsel to CIMC Raffles Offshore (Singapore) Limited and Yantai CIMC Raffles Offshore Limited (collectively, "CIMC Raffles") in the arbitration *CIMC Raffles, et al. v. Schahin Holding S.A, et. al*, Case No. 50 148 T 00348 12. As you are also aware, on December 28, 2012, the Arbitral Tribunal unanimously issued a final Award, in which it awarded CIMC Raffles US\$69,470,777.41 in damages and pre-award interest and US\$13,206.28 in arbitration costs. The Arbitral Tribunal provided for post-award interest at a rate of 9% per annum for any amounts not paid within 30 days.

We hereby demand that your clients, Schahin Holding S.A., Schahin Engenharia S.A., Sea Biscuit International Inc., Black Gold Drilling LLC, Baerfield Drilling LLC, and Soratu Drilling LLC, immediately pay CIMC Raffles in full satisfaction of the Award. CIMC Raffles' banking details are attached. We have today filed in the U. S. District Court for the Southern District of New York a Petition to Confirm the Award and to enter judgment upon it, but we will promptly withdraw the Petition upon receipt of the payment owed.

We look forward to your prompt confirmation of payment.

Sincerely yours,



David W. Rivkin

cc: Mr. Lui Yen Chow

Enclosure

Banking Details

Beneficiary Name: CIMC Raffles Offshore (Singapore) Limited

Beneficiary Bank: Standard Chartered Bank, Singapore

8 Marina Boulevard, Level 24

Marina Bay Financial Centre

Swift Code: SCBLSGSG

Account No: 0170174522 USD

Intermediary Bank: Standard Chartered Bank, New York

Swift Code: SCBLUS33

From: Rivkin, David W.
Sent: Friday, January 11, 2013 5:09 PM
To: Ejebe, Nwamaka; 'Hessler, Paul'; 'linda.regis-hallinan@linklaters.com'
Cc: 'Lui Yen Chow (???)'
Subject: RE: Demand Letter - Arbitration Award

Attachments: dpny-23812153-v1-Demand Letter - Arbitration Award.PDF

Paul:

We have not received any response to our letter of January 2 demanding payment of the valid arbitration award by your clients. Can you please let us know whether your client will comply with the award as soon as possible?

Sincerely,
David

David W. Rivkin
Debevoise & Plimpton LLP
919 Third Avenue Tower 42, Old Broad St.
New York, NY 10022 London EC2N 1HQ
+1 212-909-6671 +44 20 7786-9171
direct fax at either location +1 212-521-7671

This e-mail message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, please do not disseminate, distribute or copy this communication, by e-mail or otherwise. Instead, please notify us immediately by return e-mail (including the original message in your reply) and by telephone (you may call us collect in New York at 1-212-909-6000) and then delete and discard all copies of the e-mail.
Thank you.

From: Ejebe, Nwamaka
Sent: Wednesday, January 02, 2013 6:57 PM
To: 'Hessler, Paul'; 'linda.regis-hallinan@linklaters.com'

Cc: 'Lui Yen Chow (???)'; Rivkin, David W.
Subject: Demand Letter - Arbitration Award

Dear Paul and Linda:

Happy holidays. Please find a letter attached.

Sincerely,
Nwamaka



dpny-23812153-v1-
Demand Letter...

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
Fax 212 909 6836
www.debevoise.com

January 30, 2013

BY ELECTRONIC & FIRST CLASS MAIL

Paul Hessler, Esq.
Linda Regis-Hallinan, Esq.
Linklaters LLP
1345 Avenue of the Americas
19th Floor
New York, NY 10105

Third Demand Letter – Final Award
CIMC Raffles Offshore (Singapore) Limited, et al. v. Schahin Holding S.A, et al.
ICDR Case No. 50 148 T 00348 12

Dear Paul and Linda:

On January 2, 2013, we sent you a letter demanding that your clients immediately comply with the Final Award granting CIMC Raffles US\$69,470,777.41 in damages and pre-award interest and US\$13,206.28 in arbitration costs. On January 11, 2013, we sent you an email repeating our demand. Since that time, we have made multiple demands on the phone that your clients meet their obligations. The Arbitral Tribunal required your clients to repay the funds by January 27, 2013. The deadline has passed, but your clients have not paid, and the post-award interest at a rate of 9% per annum is rapidly accruing.

We hereby demand, for a third time in writing, that your clients, Schahin Holding S.A., Schahin Engenharia S.A., Sea Biscuit International Inc., Black Gold Drilling LLC, Baerfield Drilling LLC, and Soratu Drilling LLC, immediately pay CIMC Raffles in full satisfaction of the Award. CIMC Raffles' banking details are again attached. CIMC Raffles' petition to confirm the Final Award is still pending in front of U. S. District Court for the Southern District of New York. On January 23, 2013, we served summons for the action on Baerfield Drilling LLC, Soratu Drilling LLC, and Black Gold Drilling LLC. We will commence service on the remaining defendants shortly, but we will immediately proceed against the served defendants. However, we will withdraw the Petition if we receive payment in full. We look forward to your prompt response.

Sincerely yours,



David W. Rivkin

cc: Mr. Lui Yen Chow

Enclosure

23828675v1

New York • Washington, D.C. • London • Paris • Frankfurt • Moscow • Hong Kong • Shanghai

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
Fax 212 909 6836
www.debevoise.com

February 14, 2013

BY ELECTRONIC MAIL

Paul Hessler, Esq.
Linda Regis-Hallinan, Esq.
Linklaters LLP
1345 Avenue of the Americas
19th Floor
New York, NY 10105

Fourth Demand Letter – Final Award
CIMC Raffles Offshore (Singapore) Limited, et al. v. Schahin Holding S.A, et al.
ICDR Case No. 50 148 T 00348 12

Dear Paul and Linda:

We demand, for a fourth time in writing, that your clients, Schahin Holding S.A., Schahin Engenharia S.A., Sea Biscuit International Inc., Black Gold Drilling LLC, Baerfield Drilling LLC, and Soratu Drilling LLC, immediately pay CIMC Raffles in full satisfaction of the Final Award. Mr. Fernando Schahin repeatedly testified under oath in the New York State attachment proceedings that the companies he represented would pay if CIMC Raffles were to secure a final arbitration award against them.

There can be no doubt the Final Award is indeed final. On February 12, 2013, the Arbitral Tribunal transmitted to the Parties its “Disposition of Application for Interpretation or Correction of Final Award of Arbitrators.” The Disposition modified the Final Award in only one way—the Tribunal made it even clearer that the obligations to pay were jointly and severally shared by all six Schahin companies. The Final Award’s substantive obligations and timing requirements remain unchanged. As you are aware, there are no other mechanisms to correct or modify the Final Award. The terms of the Award are unquestionably final.

In order to comply with the terms of the Award, your clients should have paid CIMC Raffles US\$69,470,777.41 in damages and pre-award interest and US\$13,206.28 in arbitration costs no later than January 27, 2013. We look forward to immediate and full payment, including post-award interest.

Sincerely yours,



David W. Rivkin

cc: Mr. LUI Yen Chow

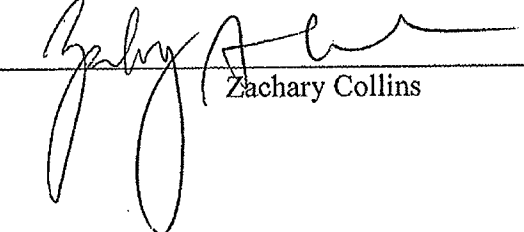
Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____)		
CIMC RAFFLES OFFSHORE (SINGAPORE))	
LIMITED AND YANTAI CIMC RAFFLES)	
OFFSHORE LIMITED,)	
)	
Petitioners,)	13 CIV 0052 (JSR).
)	
v.)	AFFIDAVIT OF SERVICE
)	
SCHAHIN HOLDINGS S.A., SCHAHIN)	
ENGENHARIA S.A., SEA BISCUIT)	
INTERNATIONAL INC., BLACK GOLD)	
DRILLING LLC, BAERFIELD DRILLING)	
LLC AND SORATU DRILLING LLC,)	
)	
Respondents.)	
_____)		
STATE OF DELAWARE)	
	ss.:	
COUNTY OF NEW CASTLE)	

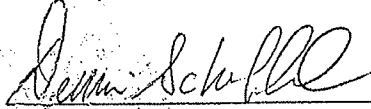
Zachary Collins, being duly sworn, deposes and says that I am not a party to the action, am over eighteen (18) years of age, and I reside in Wilmington, Delaware.

That on January 23, 2013, at 2:50 p.m. at 1209 Orange Street, Wilmington, Delaware 19801, I personally served a Summons, Petition to Confirm a Foreign Arbitration Award, Memorandum of Law in Support, Declaration of David W. Rivkin and exhibits, Judge Rakoff's Individual Rules, and the SDNY ECF Rules and Instructions upon Soratu Drilling LLC, c/o The Corporation Trust Company. Service was completed by giving the documents to a receptionist to verify the correct address of the defendant(s) and then deposited into a drop box specially designated by The Corporation Trust Company for acceptance of process. I was given the business card of Scott LaScala, Senior Regional Corporate Operations Manager with the time and date of service written on it. This is the standard procedure for service for The Corporation Trust Company.



Zachary Collins

Sworn to before me this
25th day of January, 2013

A handwritten signature in dark ink, appearing to read "Dennis Schofield", is written over a horizontal line.

Dennis Schofield, Notary Public

DENNIS SCHOFIELD
NOTARY PUBLIC
STATE OF DELAWARE

My commission expires Nov. 3, 2015

Service of Process:

1:13-cv-00052-JSR CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A.
et al
ECF, INTL-ARB

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Rivkin, David on 2/8/2013 at 1:21 PM EST and filed on 2/8/2013

Case Name: CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A. et al
Case Number: 1:13-cv-00052-JSR
Filer: CIMC Raffles Offshore (Singapore) Limited
Yantai CIMC Raffles Offshore Limited
Document Number: 5

Docket Text:

SUMMONS RETURNED EXECUTED Summons and Petition to Compel/Confirm/Modify/Stay/Vacate Arbitration, served. Soratu Drilling LLC served on 1/23/2013, answer due 2/13/2013. Document filed by Yantai CIMC Raffles Offshore Limited; CIMC Raffles Offshore (Singapore) Limited. (Rivkin, David)

1:13-cv-00052-JSR Notice has been electronically mailed to:

David W. Rivkin dwrivkin@debevoise.com

1:13-cv-00052-JSR Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/8/2013] [FileNumber=11049938-0]
] [35f23b96ef8823250654ede2f880d75bb2317fcf4fd9699d9f6e3f6d94acefc72a4
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CIMC RAFFLES OFFSHORE (SINGAPORE))
LIMITED AND YANTAI CIMC RAFFLES)
OFFSHORE LIMITED,)


13 CIV 0052 (JSR).

AFFIDAVIT OF SERVICE


Respondents.

STATE OF DELAWARE)
) ss.:
COUNTY OF NEW CASTLE)

That on January 23, 2013, at 2:50 p.m. at 1209 Orange Street, Wilmington, Delaware 19801, I personally served a Summons, Petition to Confirm a Foreign Arbitration Award, Memorandum of Law in Support, Declaration of David W. Rivkin and exhibits, Judge Rakoff's Individual Rules, and the SDNY ECF Rules and Instructions upon Baerfield Drilling LLC, c/o The Corporation Trust Company. Service was completed by giving the documents to a receptionist to verify the correct address of the defendant(s) and then deposited into a drop box specially designated by The Corporation Trust Company for acceptance of process. I was given the business card of Scott LaScala, Senior Regional Corporate Operations Manager with the time and date of service written on it. This is the standard procedure for service for The Corporation Trust Company.


Zachary Collins

Sworn to before me this
25th day of January, 2013


Dennis Schofield, Notary Public

DENNIS SCHOFIELD
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires Nov. 3, 2015

Service of Process:

1:13-cv-00052-JSR CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A.
et al
ECF, INTL-ARB

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Rivkin, David on 2/8/2013 at 1:26 PM EST and filed on 2/8/2013

Case Name: CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A. et al
Case Number: 1:13-cv-00052-JSR
Filer: CIMC Raffles Offshore (Singapore) Limited
Yantai CIMC Raffles Offshore Limited
Document Number: 6

Docket Text:

SUMMONS RETURNED EXECUTED Summons and Petition to Compel/Confirm/Modify/Stay/Vacate Arbitration, served. Baerfield Drilling LLC served on 1/23/2013, answer due 2/13/2013. Document filed by Yantai CIMC Raffles Offshore Limited; CIMC Raffles Offshore (Singapore) Limited. (Rivkin, David)

1:13-cv-00052-JSR Notice has been electronically mailed to:

David W. Rivkin dwrivkin@debevoise.com

1:13-cv-00052-JSR Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

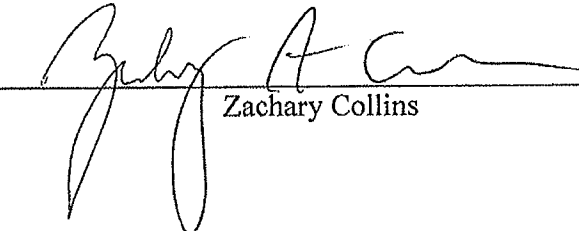
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3f1b80798e6d2dae213077f942b9b097ef2ac5281182b58ad596d812cd6a7]]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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LIMITED AND YANTAI CIMC RAFFLES)	
OFFSHORE LIMITED,)	
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Petitioners,)	13 CIV 0052 (JSR).
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INTERNATIONAL INC., BLACK GOLD)	
DRILLING LLC, BAERFIELD DRILLING)	
LLC AND SORATU DRILLING LLC,)	
)	
Respondents.)	
)	
<hr/>		
STATE OF DELAWARE)	
)	ss.:
COUNTY OF NEW CASTLE)	

Zachary Collins, being duly sworn, deposes and says that I am not a party to the action, am over eighteen (18) years of age, and I reside in Wilmington, Delaware.

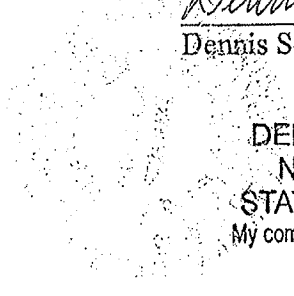
That on January 23, 2013, at 2:50 p.m. at 1209 Orange Street, Wilmington, Delaware 19801, I personally served a Summons, Petition to Confirm a Foreign Arbitration Award, Memorandum of Law in Support, Declaration of David W. Rivkin and exhibits, Judge Rakoff's Individual Rules, and the SDNY ECF Rules and Instructions upon Black Gold Drilling LLC, c/o The Corporation Trust Company. Service was completed by giving the documents to a receptionist to verify the correct address of the defendant(s) and then deposited into a drop box specially designated by The Corporation Trust Company for acceptance of process. I was given the business card of Scott LaScala, Senior Regional Corporate Operations Manager with the time and date of service written on it. This is the standard procedure for service for The Corporation Trust Company.


Zachary Collins

Sworn to before me this
25th day of January, 2013

A handwritten signature in black ink, appearing to read "Dennis Schofield", written over a horizontal line.

Dennis Schofield, Notary Public

A circular notary seal for Dennis Schofield, Notary Public, State of Delaware. The seal is partially obscured by the signature and the typed name. It features a star in the center and the text "NOTARY PUBLIC STATE OF DELAWARE" around the perimeter.

DENNIS SCHOFIELD
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires Nov. 3, 2015

Service of Process:

1:13-cv-00052-JSR CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A.
et al
ECF, INTL-ARB

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Rivkin, David on 2/8/2013 at 1:14 PM EST and filed on 2/8/2013

Case Name: CIMC Raffles Offshore (Singapore) Limited et al v. Schahin Holdings S.A. et al
Case Number: 1:13-cv-00052-JSR
Filer: CIMC Raffles Offshore (Singapore) Limited
Yantai CIMC Raffles Offshore Limited
Document Number: 4

Docket Text:

SUMMONS RETURNED EXECUTED Summons and Petition to Compel/Confirm/Modify/Stay/Vacate Arbitration, served. Black Gold Drilling LLC served on 1/23/2013, answer due 2/13/2013. Document filed by Yantai CIMC Raffles Offshore Limited; CIMC Raffles Offshore (Singapore) Limited. (Rivkin, David)

1:13-cv-00052-JSR Notice has been electronically mailed to:

David W. Rivkin dwrivkin@debevoise.com

1:13-cv-00052-JSR Notice has been delivered by other means to:

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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